



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,337	04/04/2001	Toshio Yagihashi	Q63928	1780

7590 12/29/2005
SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

O'CONNOR, GERALD J

ART UNIT PAPER NUMBER

3627

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

OFFICE ACTION

Response to Amendment

1. The reply filed on October 12, 2005 is not fully responsive to the prior Office action, mailed September 16, 2005, because of the following omission(s) or matter(s): failure of the reply to provide any substantive response (i.e., to provide any new or additional information in response) to the outstanding requirement for information under 37 CFR 1.105. See 37 CFR 1.111.
2. For purposes of clarification of the requirement set forth in § 2 of the prior Office action, the previous requirement will be restated more precisely hereinbelow.
3. In response to the outstanding requirement for information under 37 CFR 1.105, please provide: an explanation of the relevance of *each reference* cited in the information disclosure statement submitted by applicant on March 1, 2004 that is not in the English language, as it is presently understood:
 - (1) by *each* (i.e., “every”) individual designated in 37 CFR 1.56(c)(1) (i.e., by *each* named inventor);
 - (2) by *each* (i.e., “every”) individual designated in 37 CFR 1.56(c)(2) (i.e., by *each* attorney or agent who prepares or prosecutes the application); and,
 - (3) by *each* (i.e., “every”) individual designated in 37 CFR 1.56(c)(3) (i.e., by *each* other person who is substantively involved in the preparation or prosecution of the application and who is associated with the *inventor*, with the *assignee*, or with anyone to whom there is an obligation to assign the application).

4. For purposes of further clarification of the outstanding requirement for information, the phrase, "explanation of the relevance of *each reference*," as used therein, should be interpreted as meaning that, for each of the seven Japanese language references cited by applicant, an indication will be provided as to which of the following features/functions are either taught, suggested, or explicitly disclosed:

- (1) Providing a specific-item catalog of a first seller and a relevant-item catalog of a second seller together on a web page of the first seller;
- (2) A sales commission arrangement whereby a first seller is compensated by a second seller for sales received that are generated by a web page of the first seller;
- (3) A sales commission arrangement whereby the basis rate of a commission received by a first seller as compensation by a second seller for sales received that are generated by a web page of the first seller is a different basis rate for initial sales than it is for subsequent sales to a particular customer;
- (4) A disclosure arrangement whereby a customer is asked for permission/consent prior to historical information regarding the customer being disclosed to a third party; and,
- (5) A discount arrangement whereby a customer receives a discount for purchasing an item after asking for the discount, such as by submitting a rebate form or coupon.

5. The interpretation of the features/functions described above should be in the broadest reasonable interpretation, without regard to the particular word(s) or wording used by the examiner or the instant claims in describing each feature/function as compared to the reference(s) (i.e., the same verbatim word(s) or wording used by the examiner or in applicant's claims *need not* be found in the reference for the reference to be considered as teaching, suggesting, or explicitly disclosing the feature/function).

6. Applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item. In that light, a statement by any person responsible for providing a response in accordance with § 3 hereinabove that states that the affected person does not understand the Japanese language, thus cannot understand the references, will be deemed a full and complete response to the requirement for that particular person.

7. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period for reply of **TWO (2) MONTHS** from the mailing date of this notice, in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Conclusion

8. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(571) 272-6787**, and whose facsimile number is **(571) 273-6787**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Alexander Kalinowski, can be reached at (571) 272-6771.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (571) 273-8300.** Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC

December 21, 2005

 12/21/05

Gerald J. O'Connor

Primary Examiner

Group Art Unit 3627